

REMARKS

In the Office Action¹, the Examiner:

rejected claim 16 under 35 U.S.C. § 112, second paragraph;

rejected claims 1-24 and 40-53 under 35 U.S.C. § 101 as non-statutory;

rejected claims 1-4, 7, 18, 19, 23-29, 37-43, 45, and 53 under
35 U.S.C. § 102(e) as anticipated by U.S. Publication No. 2003/0126048
to Hollar et al ("Hollar");

rejected claims 5, 6, 11-13, 10-22, 29, 30, 32-34, 44 and 48-50 under
35 U.S.C. § 103(a) as unpatentable over Hollar in view of U.S. Publication
No. 2001/0029475 to Boicourt et al. ("Boicourt");

rejected claims 8-10, 14, 31, 46 and 47 under 35 U.S.C. § 103(a) as
unpatentable over Hollar in view of U.S. Publication No. 2001/0034628 to
Eder ("Eder");

rejected claims 15, 35, and 51 under 35 U.S.C. § 103(a) as unpatentable
over Hollar in view of "HBJ Financial Accounting" by Kochanek
("Kochanek");

rejected claims 16, 36, and 52 under 35 U.S.C. § 103(a) as unpatentable
over Hollar in view of U.S. Patent No. 5,621,201 to Langhans et al.
("Langhans"); and

rejected claim 17 under 35 U.S.C. § 103(a) as unpatentable over Hollar in
view of U.S. Publication No. 2002/0091597 to Teng ("Teng").

¹ The Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Claims 1-13 and 15-53 remain pending. By this amendment, Applicant amends claims 16 and 40. No new matter has been added.

As a preliminary matter Applicant thanks the Examiner for withdrawing the objection to the drawings.

The Office Action has rejected claim 16 under 35 U.S.C. § 112, second paragraph, asserting that claim 16 is indefinite. Applicant respectfully disagrees with this assertion. In order to expedite prosecution of this application, however, Applicant has amended claim 16. Thus, the rejection of claim 16 is moot.

The Office Action has rejected claims 1-24 and 40-53 under 35 U.S.C. § 101 as allegedly drawn to non-statutory subject matter. With respect to the rejection of claims 1-24, Applicant has amended the specification. Thus, the computer-readable medium recited in claims 1-24 is statutory and the rejection is moot. Applicant therefore requests the Examiner withdraw this rejection.

With respect to the rejection of claims 40-53, Applicant has amended claim 40 to claim "[a] computer system comprising a computer readable medium that stores a plurality of program-implemented modules to cooperate with a computer application," which Applicant asserts is statutory subject matter. Thus, Applicant believes this rejection overcome and respectfully requests the Examiner withdraw this rejection.

Applicant respectfully traverses the rejection of claims 1-4, 7, 18, 19, 23-29, 37-43, 45, and 53 under 35 U.S.C. § 102(b) as anticipated by Hollar.

To properly anticipate the claims, the Examiner must demonstrate the presence of each and every element of the claim in issue, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical

invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, *quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131.

Independent claim 1 recites, among other elements, “a distributing module receiving a total amount and a calculation rule representation from the application to calculate a partial amount representation” (emphasis added). Hollar does not disclose, or even suggest, at least this element of claim 1.

In the “Response to Arguments” section of the Office Action, the Office Action alleges that “paragraph 72 of Hollar discloses contract information[,] paragraph 173 of Hollar discloses control totals which represent the total amount of individual assets[, and] paragraph 208 of Hollar discloses unpaid or late charges on an accrual basis.” Office Action at page 18. The Office Action concludes that under the broadest reasonable interpretation the claimed “partial amount representation” could be “any amount that are equal or lesser than a total amount” and that “unpaid or late charges would be smaller than a total amount of expected amount.” Id. This, however, is not correct.

Hollar discloses “[t]he last precondition for activating a lease 110 and generating the appropriate billing schedules at 212 is the entry of control totals at 210.24. The control totals process looks at the lease in the aggregate, consolidating all of the individual asset level billing schedules into one single billing schedule for the entire lease.” Hollar paragraph [0173]. Hollar later discloses “[a] precondition for a penalty charge is the application of payments for aged charges at 216.88. The unpaid or late

charges are selected at 216.88. Those unpaid or late charges are then applied against the penalty matrix at 216.90 to determine the penalty amount at 216.92" (emphasis added). Hollar paragraph [0208].

Even if the Office Action is correct in alleging that Hollar discloses a "total amount" and a "calculation rule representation" in the form of "contract information," which Applicant does not concede, there is no disclosure or suggestion that both the "total amount" and the "calculation rule representation" are used to "calculate a partial amount representation" as recited by claim 1. As noted above, the Office Action alleges that "unpaid or late charges" can constitute the claimed "partial amount representation" but this is not correct because "unpaid or late charges" in Hollar are not calculated using the "total amount and the calculation rule representation from the application" as recited in claim 1.

The allegation that Hollar discloses these features of claim 1, however, is contrary to the disclosure of Hollar. Hollar explicitly discloses that "penalty amounts" are "determine[d]" by applying the "unpaid or late charges" against a "penalty matrix." Hollar paragraph [0208], lines 4-6. Hollar does not disclose or suggest that these "unpaid or late charges" are calculated using the claimed "total amount" or "calculation rule representation" but are calculated based on a "penalty matrix." Hollar's "penalty matrix," even when considered under the broadest reasonable interpretation, cannot constitute the "partial amount representation" recited in claim 1 because the penalty matrix is not calculated using the claimed "total amount and calculation rule representation from the application". Thus, Hollar does not disclose each and every

element of claim 1 because Hollar does not disclose at least the claimed "partial amount representation" as the Office Action alleges.

For at least the above reasons, independent claim 1 is not anticipated or even suggested by Hollar. Timely allowance of claim 1 is therefore requested. Claims 2-24 are allowable for at least the reason that they depend from allowable claim 1.

Independent claims 25, 39, and 40, although of a different scope, include recitations similar to those discussed above in relation to independent claim 1 and are not anticipated by Hollar for reasons similar to those discussed above with respect to claim 1. Claims 16-38 and 41-53 are allowable for at least the reason that they depend from allowable independent claims 25, and 40. Therefore, the Examiner should withdraw the rejection of claims 1-4, 7, 18, 19, 23-29, 37-43, 45, and 53 under 35 U.S.C. § 102(e) and allow these claims.

Applicant respectfully traverses the rejection of remaining dependent claims 5, 6, 8-13, 15-22, 29-36, 44, and 46-52 under 35 U.S.C. § 103(a) as unpatentable over Hollar in view of one or more of Boicourt, Eder, Kochanek, Langhans, and Teng.

None of Boicourt, Eder, Kochanek, Langhans, and Teng remedy the deficiencies of independent claims 1, 25, 39 and 40 as discussed above. Claim 14 is cancelled, thus the rejection to claim 14 is moot. Inasmuch as claims 5-6, 8-13, 15-22, 29-36, 44, and 46-52 all depend from one claims 1, 25, and 40, these dependent claims are allowable for at least the same reasons as the independent claims. Thus the rejections of these claims under 35 U.S.C. § 103(a) should be withdrawn and these claims should be allowed.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. Applicant submits that the claims are neither anticipated nor rendered obvious in view of the references cited against this application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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